

REMARKS

Reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

Claims 105, 107, 118-120 have been cancelled herein without prejudice or disclaimer.

Claims 110 and 117 have been amended. These amendments are supported in the as-filed specification and in now cancelled claim 105.

The rejection of claims 105, 107 and 118-119 under 35 USC § 102(b) as being anticipated by Patel et al. is rendered moot in view of the cancellation of those claims.

Claims 105, 107, 110 and 117-119 stand rejected under 35 USC § 102(a) as being anticipated by the article by Nagarkatti et al. (Journal of Human Genetics, (2002) Vol. 47, pages 684-687). The rejection of claims 110 and 117 is respectfully traversed.


Applicants enclose herewith Declarations from Messrs. Nagarkatti and Ghosh, respectively, wherein they declare that they are co-inventors of the claimed invention and they are co-authors of the Nagarkatti et al. article. The Nagarkatti et al. article is a disclosure by Nagarkatti and Ghosh of their own work within one year of the filing date of the subject application and, accordingly, cannot be used as a reference against them under 35 USC § 102(a). See, *In re Katz*, 215 USPQ 14 (CCPA 1982). Accordingly, a *prima facie* case of anticipation cannot be established under § 102(a) based on the Nagarkatti et al. article. Applicants respectfully request that the rejection of claims 110 and 117 be withdrawn.

Applicants respectfully solicit the issuance of a Notice of Allowance with respect to claims 110 and 117.

Please charge any fees which may be due and which have not been submitted
herewith to our Deposit Account No. 01-0035.

Respectfully submitted,

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